

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated January 22, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 1-17 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,734,787 to Yonemitsu ("Yonemitsu"). This rejection is respectfully traversed. It is respectfully submitted that claims 1-17 are allowable over Yonemitsu for at least the following reasons.

In the "Response to Arguments" section of the Office Action (see, Office Action, page 6), the position is taken that "[t]he lead-in and program areas together can be considered the user storage space of the present claim." This position is respectfully refuted.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Yonemitsu. For example, Yonemitsu does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "dividing the user storage space into one or more storage sections where a specific application is allowed to write and one

or more sections where said application is not allowed to write, wherein the user storage space is space on the optical disc that is available for storing user data; and defining one or more availability parameter(s) which define(s) location and/or extent of at least one application-allowed storage section in the user storage space" as recited in claim 1, and as similarly recited by each of claims 7, 13 and 17. As Yonemitsu does not provide any such teaching of dividing the user storage space, Yonemitsu can not be said to anticipate the claims as presented. Since the lead-in and lead-out areas are spaces on the optical disc that are unavailable for storing user data, clearly these areas can not be divided as a portion of the user storage area. As recognized by the present patent application, the "lead in area and lead out area, respectively, which are made during formatting of the disc, are reserved for use by the disc drive system 10 itself, i.e. these portions of the storage space 30 are not available for storing user data." (See, present patent application, page 5, lines 30-33.)

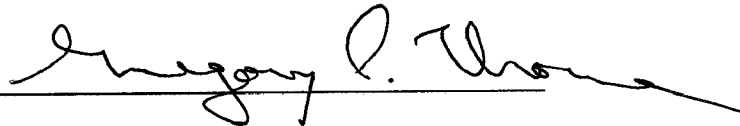
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 7, 13 and 17 are patentable over Yonemitsu and notice to this effect is earnestly solicited. Claims 2-6, 8-12 and 14-16 respectively depend from one of claims 1, 7 and

13 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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